

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Gilbody
P.L.I.
30156

FILE: B-217395

DATE: January 8, 1985

MATTER OF: Alliance Moving and Storage Co., Inc.

DIGEST:

Protest of agency decision to award contract under section 8(a) of the Small Business Act is not for consideration by GAO in absence of showing of possible fraud or bad faith on the part of government officials or a failure by agency officials to follow applicable regulations.

Alliance Moving & Storage Company, Inc., protests the Department of Education's decision to award a fiscal year 1985 moving services contract to Suggs Transportation Services, Inc., under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). Alliance, the incumbent 8(a) contractor, alleges that the Department of Education did not follow certain competitive procedural requirements of the Federal Acquisition Regulation, and improperly excluded it from award.

Section 8(a) of the Small Business Act authorizes SBA to enter into contracts with any government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The contracting officer is authorized "in his discretion" to let contracts to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this discretion, we will not question the selection of an 8(a) contractor unless the protester either demonstrates fraud or bad faith on the part of government officials or contends that applicable regulations have not been followed. Miranda Associates, Inc., B-214990, June 29, 1984, 84-1 C.P.D. ¶ 697. Alliance does not allege fraud or bad faith on the part of government officials, but does contend that certain procedural requirements of the Federal Acquisition Regulation (FAR) were not followed. As we stated in Arawak Consulting Corporation, 59 Comp. Gen. 522 (1980), 80-1 C.P.D. ¶ 404, we believe section 8(a) of the

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Small Business Act authorizes a contracting approach which in general is not subject to the competition and procedural requirements that govern non-8(a) procurements. Thus the FAR standards of competitive federal procurements cited by Alliance are not applicable to 8(a) procurements and we will not consider the protest.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel